THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8945 of 2006

DATED: 27-04-2006

BETWEEN

Sabari Relli Caste Welfare Society, rep. by its Secretary G. Aswani Kumar.

...PETITIONER

AND

The Municipal Corporation of Guntur, rep. By its commissioner, Guntur and others.

...RESPONDENTS.

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THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8945 of 2006

ORDER:

This petition is filed seeking a writ of mandamus to direct respondent No.1 to implement the G.O.Ms.No.451 dated 06-06-1970, Municipal Administration Rules and to allot 15% of the tender works to the petitioner on nomination basis as per the directions contained in the said G.O.

The case of the petitioner-society is that it is a registered Society, vide Registration No.384 of 2003, dated
19-07-2003, formed by the persons belonging to S.C. community for the purpose of ameliorating and improving living conditions and also to eke out livelihood by participating in tenders relating to sanitation and other works of all

departments. It is stated that the first respondent issued open tender notices dated 23-01-2006 and
31-03-2006 for doing sanitation works in various divisions of Municipal Corporation of Guntur and that the petitioner Society has submitted tenders for three packages in respect of tender notice dated 23-01-2006 and five packages in respect of tender notice dated 31-03-2006. It is stated that as per G.O.Ms.No.451, dated 06-06-1970, at least 15% of works in the Municipal Corporations shall be reserved for entrustment of these societies and the individuals, who happen to be unemployed and retrenched Engineers belonging to Scheduled Caste, Scheduled Tribes and Waddera Communities and that the petitioner Society made representations, dated 07-03-2006 and 20-03-2006 before the first respondent for allocation of works under nomination basis in terms of the said G.O., but the respondents have not considered and disposed of the same. Hence, the writ petition.

The learned counsel for the petitioner brought to the notice of this Court, the judgment of this Court in **DALITJATHI LABOUR CONTRACT CO-OPERATIVE SOCIETY v. COMMISSIONER, L.B.NAGAR MUNICIPALITY, RANGA REDDY DISTRCT** in support of the submission that whenever tenders are invited for sanitation works, the Corporation is under obligation to reserve 15% of the sanitation works to Labour contract/Waddera Societies as well as Societies for scheduled Castes and Scheduled Tribes. Though the said case arose under the A.P. Municipalities Tender Rules, 1967, the principle in view of Rule 11(2) of the MCH Tender Rules is the same.

Accordingly, the Writ Petition is disposed of directing the first respondent to take action in accordance with Rule 11(2)(vi) of the MCH Tender Rules at the time of finalisation of the tenders and allot 15% of the works to the petitioner and other eligible societies (as per Rule 11(2)(vi) of the MCH tender Rules) on nomination basis. No costs.

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V. ESWARAIAH, J

Dated:27-04-2006

sj